

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARTINE THOMAS, as Parent and Natural Guardian
of **A.T.**, and **MARTINE THOMAS**, Individually, *et al.*,

Civ. No. 24-cv-05138 (JLR)

Plaintiffs,

-against-

DAVID C. BANKS, in his official capacity as
Chancellor of the New York City Department
of Education, and the **NEW YORK CITY**
DEPARTMENT OF EDUCATION,

**PROPOSED ORDER
TO SHOW CAUSE**

Defendants.

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Upon Plaintiffs' Memorandum of Law in Support of an Order to Show Cause for a Temporary Restraining Order ("TRO") and/or Preliminary Injunction, dated July 16, 2024, the Declaration of Peter G. Albert, Esq. sworn to on and dated July 16, 2024, with the exhibits annexed thereto, and upon all pleadings and proceedings heretofore had herein, it is

ORDERED, that the above-named Defendants shall show cause before the Jennifer L. Rochon, United States District Judge, Room 20B, at the United States Courthouse, located at 500 Pearl St., in the County, and State of New York, on the _____ day of _____ at _____ o'clock in the _____ noon of such day, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to 20 U.S.C. § 1415(f)(1)(B), 34 C.F.R. § 300.510 *et seq.*, and Rule 65 of the Federal Rules of Civil Procedure, ordering and directing the Defendants to convene a resolution meeting for each Plaintiff with a relevant member or members of their Student's IEP team who have specific knowledge of the facts identified in the Student's Due Process Complaint, as well as a public agency representative, with decision-making authority on that agency's behalf, within 15 days of receipt of their DPC or as soon thereafter as practicable,

but in no event more than 30 days from receipt of Plaintiff's DPC as required by the Individuals with Disabilities Education Act; and granting such other, further, and different relief as the Court may deem just, proper, and equitable.

ORDERED that electronic service of a copy of this Order via the Defendants' service portal, and the annexed documents, upon the Defendants or their counsel on or before _____ o'clock, on _____, shall be deemed good and sufficient service thereof.

Dated: July 16, 2024
New York, New York

ISSUED:

Hon. Jennifer L. Rochon
United States District Judge